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9 Attorneys for Plaintiffs

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12  
13 BOARD OF TRUSTEES OF THE  
14 TEAMSTERS LOCAL 631 SECURITY  
FUND FOR SOUTHERN NEVADA

15 Plaintiff,

16 vs.

17 EXPOSITION STORAGE SERVICES, LLC,  
18 a Nevada limited liability company

19 Defendant.

Case No. 2:14-cv-02027-APG-CWH

**COMPLAINT**

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22 Plaintiff alleges:

23 1. This action arises under the Employee Retirement Income Security Act of 1974  
24 (“ERISA”), 29 U.S.C. §§ 1001-1500, and the Court has jurisdiction pursuant to 29 U.S.C. §  
25 1132(e) and supplemental jurisdiction under 28 U.S.C. § 1367.

26 2. Plaintiff is the Board of Trustees of the Teamsters Local 631 Security Fund for  
27 Southern Nevada (“Trust Fund”) and consists of fiduciaries for purposes of ERISA.  
28

3. Defendant Exposition Storage Services, LLC (“ESS”), a Nevada limited liability company, acted as an employer within the State of Nevada employing persons (“Covered Employees”) who perform work covered by a collective bargaining agreement (“CBA”) between ESS and the International Brotherhood of Teamsters Local 631 (“Union”).

4. The Trust Fund is an ERISA employee benefit trust fund that provides benefits to Covered Employees.

5. The CBA incorporates by reference the Trust Agreement establishing the Trust Fund (“Trust Agreements”).

6. The CBA, the Trust Agreement, and 29 U.S.C. § 1145 require each employer, including ESS, to make timely contributions to the Trust Fund on behalf of each employee who performs work covered by the CBA.

7. The CBA, the Trust Agreement, and 29 U.S.C. § 1132(g) provide for assessment of audit fees, court costs, expenses, interest, attorneys’ fees and liquidated damages against an employer in the event the employer defaults in making payments to the Trust Fund and legal proceedings are required to recover such payments.

#### **SOLE CLAIM FOR RELIEF**

##### **Delinquent Contributions – Exposition Storage Services, LLC**

8. Paragraphs 1 through 7 are incorporated by reference as though fully set forth herein.

9. ESS has failed to meet its obligations to remit employee benefit contributions to the Trust Fund as set forth in the CBA and Trust Agreement.

10. As a result of its delinquency, ESS is liable to the Trust Fund for unpaid contributions, interest, liquidated damages, audit fees and attorneys’ fees.

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1 WHEREFORE, Plaintiffs pray for relief as follows:

2 1. A judgment against Exposition Storage Services, LLC, in an amount demonstrated  
3 at trial for unpaid contributions, liquidated damages, interest, court costs and attorney's fees as  
4 required by ERISA and the Trust Agreement;

5 2. For other equitable relief as provided by ERISA, including but not limited to  
6 injunctive relief; and

7 3. For such other and further relief as the Court deems proper.

8 Dated: July 9, 2018

BROWNSTEIN HYATT FARBER SCHRECK, LLP

9 /s/ Christopher M. Humes

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